

In re: Aleksander Szlam
Filed: June 20, 2001
Serial No.: 09/885,717
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REMARKS

This is a complete response to the outstanding final Office Action mailed September 20, 2004. Claims 23, 25 and 32 have been amended herein. No new matter has been added to the currently pending claims. Support for amended claims 23 and 32 can be found in claim 1. Upon entry of this response, claims 1-12 and 17-39 remain pending in the present application. The Applicants traverse all of the rejections of the Office Action. Applicants appreciate the Examiner's review of the above-identified patent application and respectfully request reconsideration and allowance in view of the above amendments and following remarks.

I. Response to Claim Objections

Claim 25 has been amended herein to correct the typographical error. The word "ofmultiple" has been replaced with "of multiple". Applicant respectfully requests reconsideration and withdrawal of the objection to claim 25.

II. Response to Claim Rejections Based on Anticipation

In the Office Action, claims 23 and 28 have been preliminarily rejected as anticipated under 35 U.S.C. § 102(e).

Specifically claims 23 and 28 have been rejected under 35 U.S.C. § 102(e) by U.S. Patent 6,256,620 to Jawahar (hereinafter, "Jawahar").

Applicant has amended claim 23 to recite, "if a said customer service representative is not available then not sending said web page to said customer with a HELP option on said web page." Applicant has amended claim 23, to include allowable elements of other previously allowed claims acknowledged by the Examiner. As previously discussed in prior responses submitted by the Applicant, Jawahar does not disclose determining if a customer service representative is available to help a customer. Jawahar assumes an agent is available and merely identifies the one or more available agents. Jawahar specifically states, "Control server 64 communicates with transaction processing system 42 to locate **one or more** available agents and customers." The amendments submitted herein put claim 23 in condition for allowance. Therefore the anticipation rejection should be withdrawn.

The Applicant respectfully submits that since claims 24 - 31 depend on independent claim 23, claims 24 - 31 contain all limitations of independent claim 23. Since independent claim 23 should be allowed, as argued herein, pending dependent claims 24 - 31 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q.2d 1596, 1608 (Fed. Cir. 1988).

III. Response to Claim Rejections Based on Obviousness

In the Office Action, claim 32 has been preliminarily rejected as obvious under 35 U.S.C. § 103. Applicant has amended claim 32 to recite, "if said estimated time is greater than a predetermined time then not sending said web page to said customer with a HELP option on said web page." Applicant has amended claim 32, to include allowable elements of other previously allowed claims acknowledged by the Examiner. As previously discussed herein with regard to claim 23, Jawahar does not disclose determining if a customer service representative is available to help a customer. None of the references cited by the Examiner cure this deficiency. The

amendments submitted herein put claim 32 in condition for allowance. Therefore the obvious rejection should be withdrawn.

The Applicant respectfully submits that since claims 24 - 31 depend on independent claim 32, claims 33 - 39 contain all limitations of independent claim 32. Since independent claim 32 should be allowed, as argued herein, pending dependent claims 33 - 39 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q.2d 1596, 1608 (Fed. Cir. 1988).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that the amendments herein put the amended claims in condition for allowance. Applicant respectfully submits that all objections and rejections have been traversed, rendered moot and/or accommodated, and that presently pending claims 1-12 and 17-39 are in condition for allowance. Favorable reconsideration and allowance of the present application and the presently pending claims are hereby courteously requested. The examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

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